

BOISE, WEDNESDAY, AUGUST 22, 2012 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

REX RAMMELL and LYNDA RAMMELL,)
husband and wife,)

Plaintiffs-Counterdefendants-Appellants,)

v.)

STATE OF IDAHO; JAMES E. RISCH,)
acting governor; STEVEN HUFFAKER,)
Department of Fish and Game,)

Defendant-Counterplaintiff-Respondent.)

Docket No. 38724

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. The Honorable Cheri C. Copsey, District Judge.

Patrick D. Furey, Boise, for appellants.

Lawrence G. Wasden, Attorney General, Boise, for respondents.

This appeal arises from a claim filed by Rex and Lynda Rammell (the Rammells) against the State of Idaho, former Governor James E. Risch, and the Director of the Department of Fish and Game, Steven Huffaker (collectively “Defendants”). The Rammells sought compensation from Defendants after Governor Risch issued an executive order that called for the Department of Fish and Game to invoke a depredation hunt to kill domestic elk that escaped from the Rammells’ ranch.

The Rammells initiated this lawsuit in 2006 after the State-imposed depredation hunt had occurred. During the hunt, forty-three of the Rammells’ domestic elk were destroyed. The Rammells’ initial complaint alleged eight counts of relief, most of which were dismissed by the district court. However, the district court subsequently allowed the Rammells to file an amended complaint. The amended complaint contained seven separate causes of action: first, that Defendants deprived the Rammells of their property without Due Process; second, the killing of their domestic elk was a taking of private property that entitled the Rammells to just compensation; third, the Rammells alleged five separate violations of their civil rights under 42 USC § 1983. All seven of these claims were eventually dismissed by the district court and summary judgment was entered.

On appeal, the Rammells argue that the district court's entry of summary judgment was improper. They assert that Former Governor Risch did not have the authority to issue the executive order, that they are entitled to just compensation for the destruction of their property, that there are issues of material fact as to whether Governor Risch acted reasonably under the circumstances and whether they were given a reasonable time to try and capture their escaped elk. Lastly, the Rammells assert that the district court's award of attorney's fees to Defendants was improper. Conversely, Defendants argue that summary judgment was proper in this case and that the Rammells on appeal have not raised a single issue of material fact that could affect the outcome of the case. Additionally, Defendants believe the entry of attorney's fees by the lower court was proper and now seek attorney's fees for this appeal.

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BOISE, WEDNESDAY, AUGUST 22, 2012 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**IN THE MATTER OF THE DRIVER'S)
LICENSE SUSPENSION OF JOHNATHAN)
PAUL VAN CAMP.)**

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IDAHO TRANSPORTATION)
DEPARTMENT,)**

Petitioner-Appellant,)

v.)

JONATHAN PAUL VAN CAMP,)

Respondent.)

Docket No. 38958

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Kathryn R. Sticklen, Senior Judge.

Michael Kane & Associates, PLLC, Boise, for appellant.

Law Office of Jacob D. Deaton, Boise, for respondent.

The Idaho Transportation Department appeals from the district court's decision reversing the administrative suspension of Jonathan Van Camp's driver's license. Van Camp was pulled over for making an illegal U-turn, and during the traffic stop the police officer observed Van Camp exhibiting signs of impairment. The Department suspended Van Camp's driver's license following a urine test that revealed the presence of the drug Cyclobenzaprine. Van Camp appealed, and the district court reversed the suspension on the ground that the Department had not demonstrated that Cyclobenzaprine is intoxicating. The Court of Appeals affirmed the district court. The Department petitioned the Supreme Court for review and asks this Court to reverse the district court and reinstate Van Camp's license suspension.

BOISE, WEDNESDAY, AUGUST 22, 2012, AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**CDA DAIRY QUEEN, INC., and
DISCOVERY CARE CENTRE, LLC OF
SALMON,**

Plaintiffs-Appellants,

v.

**STATE INSURANCE FUND, JAMES M.
ALCORN, in his official capacity as its
manager, and WILLIAM DEAL, WAYNE
MEYER, GERALD GEDDES, JOHN
GOEDDE, ELAINE MARTIN, MARK
SNODGRASS, RODNEY A. HIGGINS,
TERRY GESTRIN, and MAX BLACK, and
STEVE LANDON, in their capacity as
members of the Board of Directors of the
State Insurance Fund,**

Defendants-Respondents.

Docket No. 38492

Appeal from the District Court of the Third Judicial District, State of Idaho,
Canyon County. Hon. Renae J. Hoff, District Judge.

Lojek Law Offices, Chtd., Boise and Gordon Law Offices, Chtd, Boise, for
appellants.

Hall, Farley, Oberrecht & Blanton, P.A., Boise, for respondents.

CDA Dairy Queen, Inc. (Dairy Queen) filed a class action against the Idaho State Insurance Fund (SIF) seeking a declaratory judgment that the SIF violated Idaho Code § 72-915 by failing to distribute premium rate readjustments on a pro rata basis. The district court granted the SIF's motion for summary judgment, finding that the Idaho Legislature's retroactive repeal of Idaho Code § 72-915 was constitutional and that Dairy Queen's action was thereby barred. Dairy Queen timely appeals and argues that the repeal violates article I § 16 of the Idaho Constitution. Dairy Queen asks this Court to reverse the decision of the district court and remand for further proceedings consistent with the determination that the retroactive repeal is unconstitutional.